

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE PET FOOD PRODUCTS
LIABILITY LITIGATION

: MDL Docket No. 1850

: Case No. 07-2867

: Judge Noel Lawrence Hillman

: **DECLARATION OF THOMAS**
: **ROBINSON OF DEFENDANT THE**
: **IAMS COMPANY IN SUPPORT OF**
: **DEFENDANTS' UNOPPOSED**
: **MOTION TO LIMIT THE**
: **RETENTION OF ORGANIZED**
: **RECALLED PRODUCT, RAW**
: **WHEAT GLUTEN AND**
: **UNORGANIZED INVENTORY**

STATE OF OHIO)
) SS:
COUNTY OF WARREN)

Tom Robinson, being first sworn upon oath, says:

1) I am the Regional Category Quality Assurance Leader of Defendant The Iams Company ("Iams"). I am making this Declaration based upon personal knowledge and am competent to testify to the matters stated below.

2) In my position as Regional Category Quality Assurance Leader for Iams, my duties and responsibilities include, among other things, storing, maintaining, inventorying and organizing all the recalled pet food and tracking the quantity of recalled food.

Exhibit 3

3) In March, April and May 2007, there were recalls of pet food that may have been tainted with contaminated wheat gluten. As a result of the recalls, a tremendous amount of recalled product was retained by, returned to and collected by Iams. Iams has roughly 592,000 cases of recalled pet food that is organized and stored on pallets and an additional 9.5 million individual cans or pouches of returned pet food. All recalled pet food distributed in the United States is currently stored at a rental warehouse located in Sioux City, Iowa and named the Bekins Warehouse.

4) Attachments A, B, C, D, E, F, G and H to this Declaration are true and accurate photographs depicting the material stored at the Bekins Warehouse. All the attached photographs are fair and accurate representations of the product stored at the Bekins Warehouse. They have not been changed, altered or distorted in any manner.

5) Most of the recalled product stored by Iams is organized by product type or SKU and date of manufacture (collectively, "SKU date"). This product is stored in cases and stacked on full or partial pallets. Attachments A, B, C and D to this Declaration are photographs that show examples of the organized product stored by Iams. There are records and documents that show whether this product ever left Iams' warehouse or was delivered to a retailer or distributor and then returned to or retrieved by Iams. Attachment I to this Declaration is an inventory list of the type of product (SKU) currently stored by Iams, the product dates and quantity of product.

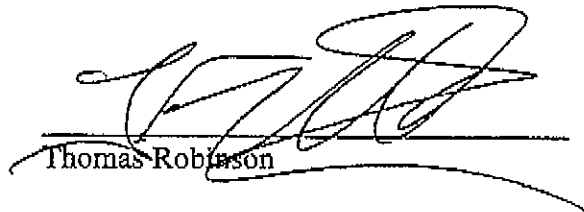
6) The cost to Iams of storing the cases and individual units of recalled product is over \$45,000 per month, excluding labor cost of roughly \$6,750 per month associated with storing such large quantities of product. The annual cost to Iams is between \$540,000 to \$621,000.

7) In addition to the recalled product that is organized by the SKU date and stored on pallets, there is a substantial amount of unorganized materials that Iams has received directly from retailers and is storing at the Bekins Warehouse. Iams has over 9.5 million individual cans or pouches of recalled pet food that is unorganized and not inventoried. This product was not returned by retailers to Iams in an organized manner. These 9.5 million units are stored in large cardboard bins, referred to as banana boxes, which are comprised of some recall product as well as large quantities of non-recall product (i.e., this includes pet food manufactured outside the recall period, products that were not even manufactured by Menu Foods, competitors' products, and products that were not the subject of the recall but were nonetheless returned by retailers). Attachments E, F, G and H to this Declaration are examples of the unorganized material stored by Iams. The unorganized materials are highly susceptible to damage and to being broken, thus creating a health and safety concern to the public. Some of the unorganized material is leaking and infested. Attachments G and H are photographs of some of the leaking unorganized containers.

8) In the event Iams is required to organize the recalled product contained among the unorganized materials, the cost to Iams is estimated to be approximately \$1,187,500. I approximated this number based on my estimate that it would take 20 temporary employees, working 10 hours per day (at \$15.00 per hour), reading two cans per minute, over 396 days to sort through, identify, organize and inventory the recalled pet food contained in these boxes. The process of inventorying the material would have to be done manually: an individual would have to read the label of each unit to identify the brand code by referencing a product list, identify the date of manufacture and then organize and inventory the unit by SKU date. Iams estimates that more than one-half of the unorganized product is outside the recall period.

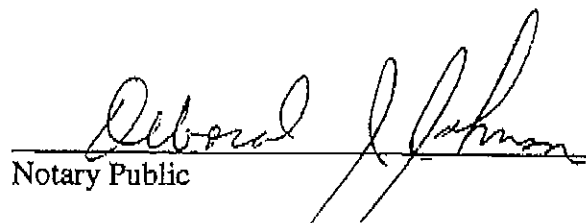
9) I have reviewed Iams' and Menu's lists of SKU inventory and believe that there are only three days where there is no material available. I understand that there are records to show the source of wheat gluten on each of those particular dates of manufacture.

10) I have a general understanding of Dr. George P. McCabe's proposed sampling plan for Defendants' products. I believe that Iams will be able to gather its product in accordance with the sampling plan recommended by Dr. McCabe to the extent there is product available for each SKU date.

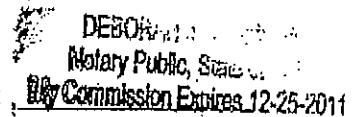


Thomas Robinson

Sworn to and subscribed in my presence by the said Thomas Robinson, this 7
day of December 2007.



Notary Public

My Commission expires:  My Commission Expires 12-25-2011